

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE: Thomas P. O'Brien Sr.****Debtor(s)****Foundation Finance Company, its successors and/or  
assigns****Movant****vs.****Thomas P. O'Brien Sr.****Respondent(s)****BK NO. 20-22435 CMB****Chapter 13****Related to Document No. 5****Hearing Date: 9/14/2020**

**OBJECTION OF Foundation Finance Company, ITS SUCCESSORS AND/OR ASSIGNS  
TO CONFIRMATION OF CHAPTER 13 PLAN**

Foundation Finance Company ("Foundation"), by and through its attorneys submits this Objection to the Chapter 13 Confirming Plan. Foundation has a security interest in the Debtor's HOMIM Roof and Gutters (the "Collateral") located at 119 Orchard Street, Monroeville, PA 15146 pursuant to a Retail Installment Contract. The Chapter 13 Plan should not be confirmed because Debtor's Chapter 13 Plan fails to provide for treatment of Foundation's secured claim.

1. On August 20, 2020, Debtor filed the Chapter 13 Plan. See Docket No. 5. The Plan does not provide any treatment of Foundation's secured claim. *Id.*
2. On October 9, 2017, Debtor Thomas P. O'Brien, Sr., borrowed \$11,017.00 from Allgood Home Improvements (the "Original Lender") and granted a security interest in the Collateral pursuant to the Contract, a copy of which is attached as Exhibit A.
3. On October 9, 2017, Original Lender assigned its rights, title and interest in the Collateral to Foundation. See Exhibit A.
4. Foundation's security interest in the Collateral and the Property was perfected by a fixture filing recorded on June 8, 2020. A copy of the UCC Financing Statement is attached hereto as Exhibit B.
5. On September 2, 2020, Foundation filed its secured proof of claim, with respect to the Collateral, in the amount of \$9,126.15. See Claims Register, Claim 2-1.
6. On August 20, 2020, Debtor filed the Chapter 13 Plan (the "Plan"). See Docket No. 5. The Plan does not provide any treatment of secured claim. *Id.* Foundation maintains that it has a fully perfected security interest in the Collateral.
7. Foundation objects to confirmation of the Plan on the grounds that the Plan does not provide for treatment of Foundation's secured claim. Foundation is a secured creditor with

respect to the Collateral and Debtor's Plan should provide for repayment or surrender of the Collateral. Debtor has failed to provide for any treatment of Foundation's secured claim.

WHEREFORE, Foundation Finance Company respectfully requests that this Honorable Court postpone confirmation of the Debtors' Chapter 13 Plan pending clarification, and for such other relief as the Court may deem just and proper.

Respectfully submitted,

Date: September 4, 2020

**/s/ Brian C. Nicholas, Esquire**  
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